

Notice of Allowability

Application No.

09/349,423

Applicant(s)

MURAKAMI ET AL

Examiner

Art Unit

Robert W. Morgan

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/1/05.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/4/05, 10/15/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

Response to Amendment

1. In the amendment filed 8/1/05, the following has occurred: Claims 1, 2, 9, 19 and 35 have been amended. Now, Claims 1-35 are presented for examination.
2. The rejections under 35 USC 101 are withdrawn by the Examiner based on the changes made by Applicants to the claims.
3. The rejections under 35 USC 103(a) are withdrawn by the Examiner based on the changes made by Applicants to the claims.

Information Disclosure Statement

4. The information disclosures filed 10/4/04, and 10/15/04 have been received and considered.

Allowable Subject Matter

5. Claims 1-35 allowed. The following is an examiner's statement of reasons for allowance:
The primary reasons for the allowance of claims 1-35 is the inclusion of the limitation in the claims, which is not found in the prior art references, of a method for determining an order of allocating electric vehicle for use depending on different charge levels of the vehicles, the method comprising:

the computer determining whether a vehicle having a second highest level of charge is in the selected group; and

if a determination is made that a vehicle having a second highest level of charge is in the selected group the computers allocating the vehicle having a second highest level of charge in the selected group.

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The primary reasons for the allowance of claim 35 is the inclusion of the limitation in the claims, which is not found in the prior art references, of a method for allocating one or more vehicles from a fleet of electric powered vehicle to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the method comprising:

the computer determining whether one or more vehicles belong to a second group of N vehicles having the N highest SOC's of the vehicles within the first group, wherein N is a predetermined positive integer greater than 1;

if it is determined that one or more vehicle belong to a second group of N vehicles, the computer selecting the second group of N vehicles having the N highest SOC's of the vehicles within the first group; and

the computers allocating to the user the vehicle having the highest SOC of vehicles in the second group but not the first group.

5. While the closest prior art (Tagami et al., U.S. Patent No 5,812,070) teaches a main port (MP, Fig. 4) that has a storage area, charging area, renting area and returning area as well as computer (60, Fig. 4) connected to user interface (48, Fig. 4) that allow potential users to request the usage of a vehicle, and (Environmental Information Network, Inc. (hereinafter "EIN"), "Station Car EV Could Meet State Mandates") teaches a station car concept for electric vehicles (EVs) where small EVs are available at transit stations and commuter who drive home, to work, to shop or to run errands, would rent the cars based on time and mileage. (Klein et al., U.S Patent No. 5,726,885) teaches a vehicle map display for the user to assist location and current position of the vehicle. Tagami et al., EIN and Klein et al. fail to teach a computer determining whether a vehicle having a second highest level of charge is in the selected group;

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if a determination is made that a vehicle having a second highest level of charge is in the selected group the computers allocating the vehicle having a second highest level of charge in the selected group; and

a computer determining whether one or more vehicles belong to a second group of N vehicles having the N highest SOC's of the vehicles within the first group, wherein N is a predetermined positive integer greater than 1;

if it is determine that one or more vehicle belong to a second group of N vehicles, the computer selecting the second group of N vehicles having the N highest SOC's of the vehicles within the first group; and

the computers allocating to the user the vehicle having the highest SOC of vehicles in the second group but not the first group.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (EP 0877341) Mamoru et al. teaches a vehicle rental system for authorized user follow the guidance of a touch panel display device and an electrical vehicle is selected.

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In related art (Electric vehicle rental agency makes debut in L.A.) Brooks teaches that Budget Rent A Car's airport facilities had the grand opening of Electric Vehicle (EV) Rental Car which marks the first rent-by-the-day operation in the United States to offer electric vehicle. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure as background material and is not of particular significance. These prior art patents fail to teach or fairly suggest a computer determining whether a vehicle having a second highest level of charge is in the selected group;

if a determination is made that a vehicle having a second highest level of charge is in the selected group the computers allocating the vehicle having a second highest level of charge in the selected group; and

a computer determining whether one or more vehicles belong to a second group of N vehicles having the N highest SOC's of the vehicles within the first group, wherein N is a predetermined positive integer greater than 1;

if it is determine that one or more vehicle belong to a second group of N vehicles, the computer selecting the second group of N vehicles having the N highest SOC's of the vehicles within the first group; and

the computers allocating to the user the vehicle having the highest SOC of vehicles in the second group but not the first group.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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